

REMARKS

Claims 1-12 are pending in this application, and stand rejected. In this Amendment, Applicant has amended claims 1, 2, 3 and 10, and has added new claims 13 an 14.

In the Office action mailed October 31, 2006, the Examiner rejected claims 2 and 3 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claim 10 was rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure that is not enabling. Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,662,773 to Frederick et al., in view of U.S. Pat. No. 5,573,640 to Frederick, et al. Claims 2, 3, 4, 5, 6, 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,662,773 to Frederick et al. and view of U.S. Pat. No. 5,573,640 to Frederick, et al., in view of U.S. Pat. No. 2,090,669 to Dreyfus et al. Claims 9 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,662,773 to Frederick et al., U.S. Pat. No. 5,573,640 to Frederick, et al., and U.S. Pat. No. 2,090,669 to Dreyfus et al. in view of U.S. Pat. No. 5,967,149 to Tsugaya, et al. Claims 10 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,662,773 to Frederick et al. and view of U.S. Pat. No. 5,573,640 to Frederick, et al., and U.S. Pat. No. 2,090,669 to Dreyfus et al. in further view of U.S. Pat. No. 3,617,439 to Chapman, Jr.

Applicant respectfully traverses all of the rejections. Claim 1 has been amended to recite that the acetate fibers are crimped at a rate of at least one crimp per centimeter. Neither Frederick '640 or Frederick '773 disclose acetate fibers with such crimping. In fact, Frederick '640 *teaches away* from crimping by stating that the "fiber must exhibit no substantial crimp." (Frederick '640, col. 3, line 1) Because Frederick '640 teaches away from crimping, it would not have been obvious to one of ordinary skill in the art to combine Frederick '640 with Dreyfus '669. See M.P.E.P. §2141.02. As such, claim 1 is not obvious in view of the cited prior art. Accordingly, claim 1, and claims 2-13 which depend on claim 1, are allowable.

Claims 2, 3 and 10 have been amended to overcome the rejections based on §112. In addition, amended claim 3 is distinguishable over Frederick '773, which discloses a process in which at least 5% of acetyl groups on the acetate has been hydrolyzed. Support in the disclosure for amended claim 10 can be found in paragraphs 0022 and 0029 of the specification.

In addition, new claim 13 is allowable as Frederick '773 does not disclose shredding the fibers only once, but instead teaches that "at least two shredding stages are needed." (Frederick '773, col. 2, lines 43-44).

For the reasons stated above, all of the pending claims are in a condition for allowance. Therefore, Applicant respectfully requests that a timely notice of allowance be issued in this case. If any fees are due in connection with this paper, the Director is

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authorized to charge them to deposit account No. 01-0265.

Respectfully submitted,

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